



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO. 306 OF 2025

1. **Mr. Navalchand s/o Bhavsingh Rathod**

Aged about 61 years,
Occupation : job

2. **Mrs. Shobha w/o Navalchand Rathod**

Aged about 53 years,
occupation : homemaker

3. **Mr. Akash s/o Navalchand Rathod**

Aged : 30 years, occupation: job

4. **Ms. Apeksha D/o Navalchand Rathod**

Aged about 27 years,
Occupation : Job

All 1 to 4 R/o Basera Colony,
Malkapur, Gawandaon Tal. Patur,
District Akola

5. **Randhir Janakiram Chavhan,**

Aged about 39 years, Occ: Job

6. **Panchibai @ Panchafula Janakiram Chavhan,**

Aged about 61 years, Occ: Job

7. **Sanjay Janakiram Chavhan,**

Aged about 46 years, Occ: Job

All 5 to 7 R/o Gavadgaon, Taluka
Patur, District Akola

8. **Sadhana Gajanan Rathod,**

Aged about 48 years, Occ.: Job,
R/o Belgav, Taluka Mehkar,
District Buldhana

9. **Ranjita Anil Rathod,**

Aged about 38 years, Occ.: Job
R/o Mandwa Forest, Taluka Mehkar,

...APPLICANTS

Dist. Buldhana

// V E R S U S //

1. **The State of Maharashtra,**
Through Police Station Officer,
Police Station Dongaon, District
Buldhana
2. **Sau. Pratiksha w/o Vishalkumar
Rathod**
Aged about 25 years,
Occ.: Housewife,
R/o Gawandaon, Taluka Patur,
Besara Colony, Malkapur,
District Akola
3. **Vishalkumar s/o Navalchand
Rathod**
Aged about 32 years,
Occupation : Job
R/o. Gawandagon Taluka Patur,
Basera Colony, Malkapur Dist.Akola

NON-APPLICANTS

Mr P. J. Mehta, Advocate for the applicants.
Mr N.B. Jawade, APP for non-applicant No.1/State.
Mr A.M. Kukday, Advocate for non-applicant Nos.2 and 3.

CORAM : URMILA JOSHI PHALKE, J. AND
NANDESH S. DESHPANDE, JJ.
DATED : 08.09.2025

O R A L J U D G M E N T : (PER : URMILA JOSHI PHALKE, J.)

1. Heard.

2. **RULE.** Rule made returnable forthwith. Taken up for final disposal with the consent of learned counsel for the parties.

3. The applicants being applicant No.1 is father-in-law, applicant No.2 is mother-in-law, applicant No.3 is brother-in-law, applicant No.4 sister-in-law, applicant No.5 brother of the applicant No.2 (maternal uncle), applicant No.6 is mother-in-law, applicant No.7 maternal uncle and applicant Nos. 8 and 9 are maternal aunts approached to this Court under Section 482 of the Code of Criminal Procedure with a prayer to quash and set aside the First Information Report bearing No.276/2023 and charge sheet RCC No.57/2024 pending before learned Judicial Magistrate First Class, Mehkar District Buldhana registered for the offences punishable under Section 498-A, 323, 504, 506 and 34 of the Indian Penal Code (for short, 'I.P.C.').

4. The brief facts which are necessary for the disposal of the application are as under:-

The First Information Report is lodged by non-applicant No.2/informant Sau. Pratiksha w/o Vishalkumar Rathod on an allegation that her marriage was performed with co-accused

Vishalkumar Rathod on 28.05.2021. After marriage, she resumed the cohabitation but she was treated well for six months by all the applicants and since August, 2021 she was ill-treated by all the applicants demanding amount of Rs.10 Lakhs and thereby subjected to physical and mental ill-treatment due to which she constrained to leave matrimonial house. She was also assaulted by suspecting her character. Therefore, she approached to Woman Bharosa Cell at Mehkar and thereafter the report is to be lodged. On the basis of the said report, police have registered the crime. During investigation, the investigating officer has recorded the various statements and after completion of the investigation charge-sheet is filed.

5. Heard learned counsel for the applicants who submitted that applicant Nos.1 and 2 are parents of the husband of the informant and others are the relatives of the husband of the informant. They never stayed along with informant or husband or applicant Nos.1 and 2. Therefore, question of ill-treatment at their hands does not arise. He further invites our attention towards the recitals of the FIR and submitted that omnibus allegations are

levelled against all the applicants. No specific instances are narrated by the informant. Now the informant and her husband are residing separately and only these applicants are facing charges under Sections 498-A of the Indian Penal Code. He submitted that these omnibus allegations would not be sufficient to prove the charges against the present applicants and no purpose would be served by sending them to face the trial. He further submitted that in view of the catena of the decisions of Hon'ble Apex Court merely because the applicants are close relatives of the husband of the informant those were implicated and therefore, application deserves to be allowed.

6. Per contra, learned APP strongly opposed for the same and submitted that whether the applicants have subjected her ill-treatment or harassment is a matter of trial. At this stage, the allegations levelled against them are sufficient to frame the charge and therefore, application deserves to be rejected.

7. Learned counsel for the informant reiterated the same contentions and submitted that the allegations formed the charge and whether she was subjected to ill-treatment or not at

the hands of the present applicants is a matter of evidence. In view of that, the application deserves to be rejected.

8. The careful scrutiny of the First Information Report and various statements of the witnesses depict that vague and general omnibus allegations are made against the present applicants regarding ill-treatment for trivial reasons. As far as the ill-treatment by demanding amount of Rs.10 Lakh is concerned, which is a general allegation. No specific instances are narrated by the informant in the First Information Report. No particulars of such demand have been given. It is not clarified as to when such demand was raised. It is not the case that demand was in the form of dowry. Thus, the omnibus statement is made that all in-laws were ill-treating non-applicant No.2 in perusals of demand of Rs.10 Lakh and fraudulently such allegations which are in the nature of general allegations. As already observed that no specific instances are given by the informant in the First Information Report or her subsequent statement. The statement of only relatives are recorded by the investigating officer.

9. At this stage reference can be made to Section 498-A of the Indian Penal Code (for short, 'I.P.C.') which read as under:

498-A. Husband or relative of husband of a woman subjecting her to cruelty.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purpose of this section, “cruelty” means—

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

10. A careful scrutiny of both the FIRs show that the allegation is that the applicants have abused and ill-treated the informant by making unlawful demands. The recitals of the FIR are taken into considerations. In both the FIRs the omnibus allegations are levelled as far as the ill-treatment is concerned.

11. At this stage reference can be given to observations made by the Hon'ble Apex Court in the case of ***Preeti Gupta & Another vs State Of Jharkhand & Another*** reported in ***(2010) 7 SCC 667*** wherein Apex Court observed in paragraph Nos.30, 32 and 34 as under:-

“30. It is a matter of common knowledge that unfortunately matrimonial litigation is rapidly increasing in our country. All the courts in our country including this Court are flooded with matrimonial cases. This clearly demonstrates discontent and unrest in the family life of a large number of people of the society.

32. It is a matter of common experience that most of these complaints under Section 498-A IPC are filed in the heat of moment over trivial issues without proper deliberations. We came across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment is also a matter of serious concern.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualised by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relatives.

12. In another case of ***Kahkashan Kausar @ Sonamand ors. vs The State Of Bihar and ors.*** reported in ***2022 (6) SCC 599*** the Supreme Court after taking stock of

various decisions rendered by the Supreme Court in the subject matter observed in paragraph No.17 as under:-

“The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of Section 498-A of the IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.”

13. In recent judgment ***Mangeram Vs. State of Madhya Pradesh*** reported in ***Manu/SC/1066/2025*** observed that Section 498-A of the IPC prescribes punishment where a woman is subjected to cruelty by her husband or his relatives. The offence is punishable with imprisonment for a term which may extend to three years and also provides for fine. The Explanation appended to the provision defines "cruelty" in two parts. Clause (a) refers to wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to her life, limb or health, whether mental or physical. Clause (b) expands the scope of the term to include harassment with a view to coercing the woman or her relatives to meet any unlawful

demand for property or valuable security, or on account of failure to meet such demand. It is further held by referring the judgment in case of *Dara Laxmi Narayana Vs. State of Telangana* reported in *Manu/SC/1309/2024* that family members of the husband ought not to be unnecessarily roped into criminal proceeding arising out of matrimonial discord. The Court observed that It has become a recurring tendency to implicate every member of the husband's family, irrespective of their role or actual involvement, merely because a dispute has arisen between the spouses. It was further held that where the allegations are bereft of specific particulars, and particularly where the relatives sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an abuse of the process of law. The Court noted that criminal law is not to be deployed as an instrument of harassment, and that judicial scrutiny must be exercised to guard against such misuse.

14. Thus, the object of the provision is prevention of the dowry menace. But as has been rightly contended by the petitioner many instances have come to light where the complaints are not bonafide and have been filed with oblique motive. In such cases acquittal of the accused does not in all cases wipe out the ignominy suffered during and prior to trial. Sometimes adverse media coverage adds to the misery.

The question, therefore, is what remedial measures can be taken to prevent abuse of the well-intentioned provision. Merely because the provision is constitutional and intra vires, does not give a licence to unscrupulous persons to wreck personal vendetta or unleash harassment observed by the Hon'ble Apex Court in the case of *Sushilkumar Sharma Vs. Union of India and others*, reported in *(2005) 6 SCC 281*.

15. Keeping in mind the aforesaid observations we find that this is a fit case to exercise our jurisdiction under Section 482 of the Criminal Procedure Code, 1923 and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and quash and set aside the proceedings against all the applicants since the contents of the FIR shows that omnibus allegations are levelled against all the applicants and therefore the application deserves to be allowed.

16. In view of that we proceed to pass following the order:-

ORDER

(i) The Criminal Application is allowed.

(ii) First Information Report bearing No.276/2023 and charge sheet RCC No.57/2024 pending before learned Judicial Magistrate First Class, Mehkar District Buldhana registered for the offences punishable under Section 498(A),

323, 504, 506 and 34 of the Indian Penal Code is hereby quashed and set aside against the applicants.

17. The criminal application stands disposed of.

Rule accordingly.

Pending application, if any, also stands disposed of.

[NANDESH S. DESHPANDE, J] [URMILA JOSHI PHALKE, J.)

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